

REMARKS

Claims 7, 9-11, 17-21 and 29-33 are currently pending in this application. Independent claims 7 and 18 have been amended. Claims 32-33 have been added.

Claims 7, 10, 18, 19, 20, and 21 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,638,246 to Naimark et al. Claims 7, 9-11, 17-21, and 29-31 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 6,656,155 to Freyman.

Statement of Substance of April 17, 2006 Applicant Initiated Interview

Applicant thanks Examiner Witczak for the courtesies extended during the telephone interview on April 17, 2006, and provides this Statement of Substance of Interview in compliance with MPEP 713.04. In the interview, Examiner Witczak and the undersigned attorney, Ronald L. Sigworth, discussed the 35 U.S.C. §102 rejections set forth in the most recent Office Action. The parties discussed all claims generally and made specific reference to the two independent claims (claims 7 and 18) rejected under § 102. In summary, the parties agreed that the Applicant would amend the claims as follows:

- i. in independent claims 7 and 18, amend to recite wherein “the seal selectively translates when the sealing unit engages the vessel wall from a first position to a second position;” and
- ii. add new dependent claims 32 and 33 that recite the limitation of “wherein the first position is an injector sealing position and the second position is an injector opening position.”

The Examiner indicated that the mutually proposed claim language appeared to obviate the §102 rejection and distinguish the Naimark '246 patent. In view of this distinction, the Examiner indicated that the claims are allowable pending the results of a further search. No exhibit was shown at the interview, and no demonstration was conducted.

Non-Statutory Double Patenting Rejection

Without acquiescing to the propriety of this double patenting rejection, in order to advance prosecution of this application, attached please find a Terminal Disclaimer, disclaiming the terminal part of the statutory term of any patent granted hereon which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,656,155. The Terminal Disclaimer obviates the non-statutory double patenting rejection.

Although no fees are believed to be due, the Commissioner is hereby authorized to charge Kenyon & Kenyon Deposit Account No. 11-0600 for any applicable fee.

Should there be any questions concerning this matter, the Examiner is invited to contact the Applicant's undersigned attorney.

Respectfully submitted,

Dated: April 18, 2007

/ Ronald L. Sigworth /
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